

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1302

Session of
1995

INTRODUCED BY PHILLIPS, STABACK, McCALL, BUNT, MILLER, BELARDI,
DEMPSEY, SERAFINI, HESS, SATHER, FLEAGLE, HENNESSEY,
E. Z. TAYLOR, LEVDANSKY, BAKER, YOUNGBLOOD, BELFANTI,
CAPPABIANCA, MERRY, CIVERA, TRELLO, STERN, BEBKO-JONES,
SAYLOR, RUDY AND FEESE, MARCH 22, 1995

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, MAY 20, 1996

AN ACT

1 Amending Title 71 (State Government) of the Pennsylvania
2 Consolidated Statutes, further defining "enforcement officer"
3 for purposes of State employees' retirement; and further
4 providing for termination of annuities.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. The definition of "enforcement officer" in
8 section 5102 of Title 71 of the Pennsylvania Consolidated
9 Statutes is amended by adding paragraphs to read:

10 § 5102. Definitions.

11 The following words and phrases as used in this part, unless
12 a different meaning is plainly required by the context, shall
13 have the following meanings:

14 * * *

15 "Enforcement officer."

16 * * *

17 (4) Full-time Pennsylvania Game Commission employees who

1 are graduates of the Game Commission Training School and who
2 serve or served as wildlife conservation officers and are
3 empowered to enforce or investigate alleged violations of
4 Title 18 (relating to crimes and offenses) and Title 34
5 (relating to game).

6 (5) Waterways conservation officers and other
7 commissioned law enforcement personnel employed by the
8 Pennsylvania Fish and Boat Commission who have and exercise
9 the same law enforcement powers as waterways conservation
10 officers. This paragraph shall not apply to deputy waterways
11 conservation officers.

12 * * *

13 Section 2. Section 5706(a) of Title 71, AMENDED DECEMBER 20, <—
14 1995 (P.L.689, NO.77), is amended to read:

15 ~~§ 5706. Termination of annuities.~~ <—

16 ~~(a) General rule. If the annuitant returns to State service~~
17 ~~or enters school service and elects multiple service membership,~~
18 ~~any annuity payable to him under this part shall cease and in~~
19 ~~the case of an annuity other than a disability annuity the~~
20 ~~present value of such annuity, adjusted for full coverage in the~~
21 ~~case of a joint coverage member who makes the appropriate back~~
22 ~~contributions for full coverage, shall be frozen as of the date~~
23 ~~such annuity ceases. An annuitant who is credited with an~~
24 ~~additional 10% of Class A and Class C service as provided in~~
25 ~~section 5302(c) (relating to credited State service) and who~~
26 ~~returns to State service shall forfeit such credited service and~~
27 ~~shall have his frozen present value adjusted as if his 10%~~
28 ~~retirement incentive had not been applied to his account. In the~~
29 ~~event that the cost of living increase enacted December 18, 1979~~
30 ~~occurred during the period of such State or school employment,~~

1 ~~the frozen present value shall be increased, on or after the~~
2 ~~member attains superannuation age, by the percent applicable had~~
3 ~~he not returned to service. This subsection shall not apply in~~
4 ~~the case of any annuitant who may render services to the~~
5 ~~Commonwealth in the capacity of an independent contractor or as~~
6 ~~a deputy wildlife conservation officer or deputy waterways~~
7 ~~conservation officer or a member of an independent board or~~
8 ~~commission or as a member of a departmental administrative or~~
9 ~~advisory board or commission when such members of independent or~~
10 ~~departmental boards or commissions or deputy wildlife or~~
11 ~~waterways conservation officers are compensated on a per diem~~
12 ~~basis for not more than [100] 150 days per calendar year.~~

13 * * *

14 § 5706. TERMINATION OF ANNUITIES.

<—

15 (A) GENERAL RULE.--IF THE ANNUITANT RETURNS TO STATE SERVICE
16 OR ENTERS SCHOOL SERVICE AND ELECTS MULTIPLE SERVICE MEMBERSHIP,
17 ANY ANNUITY PAYABLE TO HIM UNDER THIS PART SHALL CEASE AND IN
18 THE CASE OF AN ANNUITY OTHER THAN A DISABILITY ANNUITY THE
19 PRESENT VALUE OF SUCH ANNUITY, ADJUSTED FOR FULL COVERAGE IN THE
20 CASE OF A JOINT COVERAGE MEMBER WHO MAKES THE APPROPRIATE BACK
21 CONTRIBUTIONS FOR FULL COVERAGE, SHALL BE FROZEN AS OF THE DATE
22 SUCH ANNUITY CEASES. AN ANNUITANT WHO IS CREDITED WITH AN
23 ADDITIONAL 10% OF CLASS A AND CLASS C SERVICE AS PROVIDED IN
24 SECTION 5302(C) (RELATING TO CREDITED STATE SERVICE) AND WHO
25 RETURNS TO STATE SERVICE SHALL FORFEIT SUCH CREDITED SERVICE AND
26 SHALL HAVE HIS FROZEN PRESENT VALUE ADJUSTED AS IF HIS 10%
27 RETIREMENT INCENTIVE HAD NOT BEEN APPLIED TO HIS ACCOUNT. IN THE
28 EVENT THAT THE COST-OF-LIVING INCREASE ENACTED DECEMBER 18, 1979
29 OCCURRED DURING THE PERIOD OF SUCH STATE OR SCHOOL EMPLOYMENT,
30 THE FROZEN PRESENT VALUE SHALL BE INCREASED, ON OR AFTER THE

1 MEMBER ATTAINS SUPERANNUATION AGE, BY THE PERCENT APPLICABLE HAD
2 HE NOT RETURNED TO SERVICE. THIS SUBSECTION SHALL NOT APPLY IN
3 THE CASE OF ANY ANNUITANT WHO MAY RENDER SERVICES TO THE
4 COMMONWEALTH IN THE CAPACITY OF AN INDEPENDENT CONTRACTOR OR AS
5 A MEMBER OF AN INDEPENDENT BOARD OR COMMISSION OR AS A MEMBER OF
6 A DEPARTMENTAL ADMINISTRATIVE OR ADVISORY BOARD OR COMMISSION
7 WHEN SUCH MEMBERS OF INDEPENDENT OR DEPARTMENTAL BOARDS OR
8 COMMISSIONS ARE COMPENSATED ON A PER DIEM BASIS FOR NOT MORE
9 THAN 150 DAYS PER CALENDAR YEAR. THIS SUBSECTION SHALL NOT APPLY
10 IN THE CASE OF ANY ANNUITANT WHO HAS ATTAINED SUPERANNUATION
11 AGE, WHO MAY RENDER SERVICES TO THE COMMONWEALTH IN THE CAPACITY
12 OF A DEPUTY WILDLIFE CONSERVATION OFFICER OR A DEPUTY WATERWAYS
13 CONSERVATION OFFICER AND WHO IS COMPENSATED ON A PER DIEM BASIS
14 FOR NOT MORE THAN 150 DAYS PER CALENDAR YEAR.

15 * * *

16 Section 3. This act shall take effect ~~July 1, 1995~~ JULY 1, <—
17 1996.